
SENATE BILL No. 296

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-30-2; IC 33-33-48.

Synopsis: Madison County courts. Abolishes the Madison county court on January 1, 2009. Repeals a provision that specifies the Madison county court has two judges. Increases the number of judges serving on the Madison superior court from three judges to five judges on January 1, 2009. Makes the two persons elected Madison county court judges on November 4, 2008, the fourth and fifth judges of the Madison superior court.

Effective: July 1, 2008; January 1, 2009.

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January 10, 2008, read first time and referred to Committee on Judiciary.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

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SENATE BILL No. 296

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-30-2-1, AS AMENDED BY P.L.234-2007,
2 SECTION 216, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) ~~A county court is~~
4 ~~established in Madison County.~~

5 ~~(b) However,~~ A county court ~~described in subsection (a)~~ is
6 abolished if:

- 7 (1) IC 33-33 provides a small claims docket of the circuit court;
8 (2) IC 33-33 provides a small claims docket of the superior court;
9 or
10 (3) IC 33-34 provides a small claims court;
11 for the county in which the county court was established.

12 SECTION 2. IC 33-33-48-2 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) There is
14 established a court of record in Madison County to be known as the
15 Madison superior court.

16 (b) The Madison superior court has ~~three (3)~~ **five (5)** judges.

17 (c) Except as otherwise provided in this chapter, the Madison



superior court is a standard superior court as described in IC 33-29-1.

SECTION 3. IC 33-33-48-11, AS ADDED BY P.L.2-2005, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. ~~A county court is established for Beginning January 1, 2009, the Madison County under IC 33-30-2-1.~~ **superior court has a standard small claims and misdemeanor division.**

SECTION 4. IC 33-30-2-4 IS REPEALED [EFFECTIVE JANUARY 1, 2009].

SECTION 5. [EFFECTIVE JULY 1, 2008] (a) **Notwithstanding IC 33-30-2-1 and IC 33-33-48-2, both as amended by this act, the:**

(1) Madison county court is not abolished; and

(2) Madison superior court is not expanded from three (3) judges to five (5) judges;

until January 1, 2009.

(b) As of January 1, 2009, the Madison county court is abolished.

(c) Any case pending in the Madison county court after the close of business on December 31, 2008, is transferred on January 1, 2009, to the Madison superior court. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division established by IC 33-33-48-11, as amended by this act, shall be transferred to the standard small claims and misdemeanor division of the Madison superior court in accordance with the venue requirements prescribed in Rule 75 of the Indiana Rules of Trial Procedure. A case transferred under this SECTION shall be treated as if the case were filed in the Madison superior court.

(d) On January 1, 2009, all property and obligations of the Madison county court become the property and obligations of the Madison superior court.

(e) The fourth and fifth judges of the Madison superior court added under IC 33-33-48-2, as amended by this act, shall be the two (2) persons who are elected Madison county court judges on November 4, 2008. The initial elections of the fourth and fifth judges for the Madison superior court, established by IC 33-33-48-2, as amended by this act, shall take place at the general election on November 4, 2014. The terms of the fourth and fifth judges of the Madison superior court elected in November 2014 begin January 1, 2015.

(f) This SECTION expires January 2, 2015.

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